

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

v.

KIRK D. SMITH
124B E. Fremont Street
Ottawa, Illinois 61350

(Name and Address of Defendant)

DOB: 11-25-61
SSN: 265-39-9351
USM: None

CR-95-448

FILED RECEIVED LODGED COPY

FEB 03 1999

CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY PCT RCS DEPUTY

JUDGMENT IN A CRIMINAL
CASE

Fred Morelli
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendre: as to Counts One and Two of the Information

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF: Air Delivery, Aid and Abet, A Class B misdemeanor, in violation of 36 C.F.R. 2.17(2)(3) and 18 USC 2 as charged in the Count One of the Information.

Disorderly Conduct, Aid and Abet, a Class B misdemeanor, in violation of 36 C.F.R. 2.34(a)(4) and 18 USC 2 as charged in Count Two of the Information.

IT IS THE JUDGMENT OF THIS COURT THAT: With respect to Count One and Two, IT IS ORDERED that defendant is fined the sum of \$500.00. To the extent the Court can order it, it is the recommendation of the Court that the fine go to the Park Service account to be used to further search and rescue operations of that agency.

FURTHER ORDERED that defendant is assessed the additional sum of \$345.23 which is the cost of prosecution; that sum to be paid to Glen Canyon National Recreation Area, P. O. Box 1507, Page, AZ 86040, Attention: Sonya Jones, account number 1441-7132-600 within 90 days.

FURTHER ORDERED that defendant surrender to the U. S. Marshal within thirty days and submit to processing including finger printing and photographing; defense counsel to verify such compliance within 90 days following this date.

In addition to any conditions of supervised release/probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed:

133

CR-95-448-12-PCT-RGS

PAGE 2

USA v. Smith, Kirk D.

CONDITIONS OF PROBATION/SUPERVISED RELEASE

Where probation/supervised release has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work, notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions, report as directed and comply with any general or special conditions pursuant to District of Arizona General Order 201.

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

IT IS FURTHER ORDERED that the defendant shall pay a total assessment of \$20

pursuant to Title 18, U.S.C. Section 3013 for count One and Two as follows:

SPECIAL ASSESSMENT TO BE PAID IMMEDIATELY AND IF NOT IMMEDIATELY PAID, THAT PAYMENTS BE MADE PURSUANT TO THE INMATE FINANCIAL RESPONSIBILITY PROGRAM OR AS DIRECTED BY THE COURT

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as restitution. The defendant shall pay to the Clerk of the Court any amount imposed as a fine and as a cost of prosecution. Payment of such amount is due immediately but, if so ordered shall be payable in equal monthly installments and with payment in full by a date certain. In all cases restitution, fines, and costs shall be payable during the period of incarceration with the payment of any remaining balance to be a condition of probation or supervised release. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the United States Attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the Clerk of the Court deliver a certified copy of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons and recommends:

January 26, 1999
Date of Imposition of Sentence

Signature of Judicial Officer
ROGER G. STRAND
UNITED STATES DISTRICT JUDGE
Name and Title of Judicial Officer

2-1-99
Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
Date _____, the institution designated by the Bureau of Prisons, with a
certified copy of this judgment in a Criminal case

United States Marshal

By _____

Deputy Marshal

USA PO PSA USM Fin Counsel OB Judge